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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,911	03/26/2004	Orlando W. Stephenson III	SPE014 P305	9439
277 7590 02/05/2010 PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501				
EXAMINER				
DUFFY, DAVID W				
ART UNIT		PAPER NUMBER		
3714				
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02/05/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,911

Applicant(s)

STEPHENSON ET AL.

Examiner

DAVID DUFFY

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Application

1. A decision for the Board of Patent Appeals and Interferences was entered into the record reversing the examiner's position. However, in view of the newly available reference to Bowron, PROSECUTION IS HEREBY REOPENED. A rejection of the claims is set forth below. A Technology Center Director has approved the reopening of prosecution pursuant to 37 CFR 1.198 by signing below:

/Robert P Olszewski/

Director, Technology Center 3700

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4, 8-14 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole; Joseph (US 6475087 B1) in view of Bowron; Julian (US 7374258 B2).

4. In regard to claims 1, 2, 8, 10-12, 19-20 and 22-25, Cole discloses a gaming machine, comprising: a cabinet defining an internal space and a front side, the cabinet having an opening in the front side for providing access to the internal space; a door movably mounted to the cabinet for movement between an open position providing

access to the internal space, and a closed position wherein the door substantially closes off the opening in the cabinet, the door having an enlarged opening defining generally vertical spaced apart side edges (2:16-32 and fig 2); at least one sheet or screen mounted to the door and extending across at least a substantial portion of the opening in the door, the sheet having an outside surface, at least a portion of the sheet being see-through (figs 1 and 2). Cole further discloses that the replaceable door subassembly is advantageous in that it reduces the costs associated with modifying the games within the machine (1:40-49). Cole does not explicitly disclose a generally horizontal cross member extending across the enlarged opening and having opposite ends positioned adjacent the vertical side edges when in any one of a plurality of vertically-adjusted positions, the cross member including fasteners removably securing the cross member to the door in a selected one of the vertically-adjusted positions, such that the vertical position of the cross member can be adjusted during installation to vary the size of an upper portion of the enlarged opening above the cross member, and a lower portion of the enlarged opening below the cross member.

5. In related prior art, Bowron discloses an electronic kiosk cabinet with an internal space and door to access said space (fig 1), whereby door has an enlarged opening with a generally horizontal cross member extending across the enlarged opening and having opposite ends positioned adjacent the vertical side edges when in any one of a plurality of vertically-adjusted positions, the cross member including fasteners removably securing the cross member to the door in a selected one of the vertically-adjusted positions, such that the vertical position of the cross member can be adjusted

during installation to vary the size of an upper portion of the enlarged opening above the cross member, and a lower portion of the enlarged opening below the cross member (fig 7, 2:24-42, and 4:64-5:10, whereby the faceplates are adjustably secured to adjustable mounting cross members which are adjustable attached to the door). One of ordinary skill in the art would recognize the advantages of a housing that allows the designer to select the desired components closer to the time of assembly and allows one to readily change hardware components in the field without the need for cutting, grinding or re-machining (2:8-15).

6. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Bowron to have used adjustable cross members secured to adjustable mounts in the construction of the cabinet so that hardware components may be adjusted after placement in the field without cutting, grinding, or re-machining thus furthering the goal of Cole to provide a modifiable gaming machine cabinet at low expense.

7. In regard to claims 3-4 and 13-14, Cole discloses the gaming machine of claim 2, wherein: at least a first portion of the sheet is substantially transparent and a second portion of the sheet has a coating reducing the transmissibility of light through the sheet (6:44-53 and fig 1).

8. In regard to claim 18, Cole discloses the gaming machine of claim 10, wherein: a video display screen is mounted to the mount (fig 5).

9. In regard to claim 21, Cole discloses the gaming machine of claim 10 but does not explicitly disclose, wherein the cross member includes ends abutting the door but

that are not attached directly to the door, and further the cross member includes fasteners extending through the mount for attaching the cross member to the mount.

10. In related prior art, Bowron discloses adjustable cross members that fit closely against but are not attached to the outer surfaces of the door (figs 8). One of ordinary skill in the art would recognize the advantages of adjustable cross members that fit closely but are not attached to the surfaces of the door to facilitate easy reconfiguration without cutting, grinding or re-machining.

11. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Bowron to have used close fitting adjustable cross members to facilitate reconfiguration of the cabinet without re-machining.

12. Claims 5-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole; Joseph (US 6475087 B1) in view of Bowron; Julian (US 7374258 B2) as applied to claim 4 above, and further in view of Hedrick; Joseph R. et al. (US 6135884 A).

13. In regard to claims 5-7 15-17, Cole discloses the gaming machine of claim 4 with a primary reel device (fig 2) or flat screen device (fig 5), but does not explicitly disclose wherein: a flat screen video display is mounted to the door above the cross member; and a reel device or flat screen is mounted in the cabinet below the cross member.

14. In related prior art, Hedrick discloses a gaming machine with a main display (3:25-34) and a secondary flat screen video display (4:1-4) that presents additional information such as advertisements, television programming and player attractions (3:8-23) or progressive information (1:41-44) and is located above the primary display (figs

1-4). One of ordinary skill in the art would recognize the stated advantages of the flexibility in presenting primary and secondary information to actual and potential players such a setup provides (3:20-24).

15. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Hedrick to have provided a secondary display above the primary displays of Cole to provide flexibility in the primary and secondary information provided to actual and potential customers including progressive information.

16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole; Joseph (US 6475087 B1) in view of Bowron; Julian (US 7374258 B2) as applied to claim 8, and further in view of Engلمان, Allon G. (US 20030157978 A1).

17. In regard to claim 9, Cole discloses the gaming machine of claim 8 above, but does not explicitly disclose wherein: the door includes beveled outer surfaces adjacent the vertical side edges, the beveled outer surfaces extending inwardly towards the vertical side edges; and the cross member has beveled opposite end portions that fit closely against but that are not attached to the beveled outer surfaces of the door.

18. In related prior art, Bowron discloses adjustable cross members that fit closely against but are not attached to the outer surfaces of the door (figs 8). One of ordinary skill in the art would recognize the advantages of adjustable cross members that fit closely but are not attached to the surfaces of the door to facilitate easy reconfiguration without cutting, grinding or re-machining.

19. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Bowron to have used close fitting adjustable cross members to facilitate reconfiguration of the cabinet without re-machining. The combination does not explicitly disclose a beveled edge on the cross member or the door.

20. In related prior art, Englman discloses a gaming machine with a beveled edge on a cross member and portions of the door surrounding the displays (fig 1). One of ordinary skill in the art would recognize the pleasing look of the beveled edges to provide a smooth appearance to the players.

21. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Englman to have utilized beveled edges on the cross member and door to provide a pleasing appearance to players.

Response to Arguments

22. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID DUFFY whose telephone number is (571) 272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./
Examiner, Art Unit 3714